



South Essex Advocacy Services (SEAS)

Self-help NHS Health Complaints Pack

Registered charity number: 1164092



Contents

1. Guide to raising a concern or making a complaint about NHS services	1
2. Guide to accessing your medical records	13
3. Guide to writing a complaints letter	15
4. Template for complaint letter	16
5. Template for making a complaint on behalf of another person	17
6. What is a Patient Advice and Liaison Service (PALS)?	18
7. Where to raise your formal complaint	19
8. Useful contacts	22

1. Guide to raising a concern or making a complaint about NHS services

Introduction	4
Step 1 - What am I unhappy about?	4
Step 2 - What can I expect to achieve?	4
Step 3 – Who do I raise my concerns with?	5
The NHS Complaints Procedure	5
Stage 1 - Local Resolution	6
Stage 2 - The Parliamentary and Health Service Ombudsman (PHSO)	10
Questions and Answers	12

Introduction

The National Health Service (NHS) and other providers of health services, work hard to treat everyone properly. Most people using health services are satisfied with their treatment (or the treatment for family/friends/partners) but sometimes things go wrong.

If you are not happy with the medical treatment that you or a family member has received, you can raise your concerns about this.

Step 1 - What am I unhappy about?

Before you start, it is important to be clear about what it is you are unhappy about with the NHS care and services that you have received. It could include:

- Treatment or care
- Attitude of staff
- Poor communication
- Waiting times
- Lack of information
- Failure to diagnose a condition

Step 2 - What can I expect to achieve?

When raising a concern with the NHS, you can expect:

- To be treated with respect and dignity
- To be offered support to help you raise your concern
- A speedy solution to be offered wherever possible
- An explanation of what happened
- An apology if appropriate
- Changes to be made so that the same thing will not happen to anyone else

Step 3 – Who do I raise my concerns with?

Once you are clear on what you are concerned about, you need to decide how best to raise your concerns. You can:

➤ **Speak to a member of staff directly**

Many complaints are caused by misunderstandings or poor communication that can be put right once you explain the problem. If you feel able to, you can speak to a member of staff who is directly involved with your treatment, or their manager, about what you are concerned or dissatisfied with. This is often the quickest way to put things right and stop them from getting worse.

➤ **Speak to the Patient and Advice Liaison Service (PALS)**

If you feel uncomfortable directly contacting the NHS staff member yourself, or you have tried and it has not resolved your issues, then a service called PALS may be able to help you.

PALS provide information, advice and support to patients, families and their carers and can help you get answers to your questions quickly.

The NHS complaints procedure may be the best route to follow if:

- You have raised your concerns but they have not been resolved fully
- What happened raises serious questions about standards of care
- You wish to raise complex issues that require investigation
- The issues involved concern more than one organisation

The NHS complaints procedure (England)

It is your right to have your concerns investigated and be given a full and prompt response. This is known as the NHS complaints procedure.

Are there time limits for making a complaint?

Generally, you should make your complaint within 12 months of the incident happening, or within 12 months of you realising that you have concerns.

The NHS can use its discretion to look at issues that are beyond these timescales. For instance, if you are too ill to make the complaint straight away, the NHS will consider if it is still possible to investigate the complaint effectively and fairly.

Which services are covered by the NHS complaints procedure?

- All NHS trusts and NHS bodies, including NHS Foundation Trusts
- Family health services provided for by the NHS by GPs, dentists, opticians or NHS pharmacists
- Clinical Commissioning Groups
- Private healthcare establishments if the treatment has been paid for by the NHS

If your complaint covers both health and social care, you can still make your complaint to the NHS.

You cannot use the NHS complaints procedure for a complaint that is about:

- Social care alone, or other services provided by the council
- Privately-funded health, nursing home or home-based care
- Personnel matters, such as getting staff disciplined
- Legal matters and claims for compensation – you will need to speak to a solicitor who specialises in medical or clinical negligence
- Contractual matters and consultations about service charges
- The ambulance service
- A nursing home care or a home-based care package (if funded by the NHS)

If you would like your complaint to be dealt with more formally you should use the NHS complaints procedure. The NHS complaints procedure focuses on resolving your complaint locally in the first instance.

Stage 1 - Local Resolution

The first stage of the NHS complaints procedure is called “Local Resolution”, where the NHS body or practice is required to investigate and respond to your complaint.

The aim of Local Resolution is to try and sort out your problems directly with the NHS service that you are making the complaint about. This is your opportunity to explain what it is you are concerned or dissatisfied about and what you would like to happen.

Local Resolution is important because it aims to resolve your concerns and, where appropriate, use your experience to improve local services. The NHS healthcare provider should respond to you efficiently, sensitively and promptly.

At this stage, it is important to raise everything that you are unhappy about as new issues cannot be introduced as part of the same complaint.

What do I do first?

A complaint can be made:

- In person
- Over the telephone
- By email
- By post

If you make the complaint in person or over the telephone, the healthcare provider to whom the complaint is being made, must create a written copy of the complaint and provide you with a copy.

Useful tips:

- *Always keep a copy of your letter for future reference*
- *Have a pen and some paper ready to note the date you send the letter/email/call and for other notes too*
- *If using the telephone, ensure to take the name of the person you have spoken to*

Who will deal with my complaint?

All NHS organisations have a complaints procedure. If your complaint is about a service delivered by a Foundation Trust, for example a hospital or ambulance service, you should complain to the complaints manager or the chief executive of the NHS Trust.

For complaints about primary care and independent providers, such as GP surgeries, dentists, opticians, pharmacists or other independent NHS contractors, you have two options by which you can complain:

- Directly to the NHS organisation, by contacting the person in charge of complaints.
For GPs and dental practices this will be the practice manager
- To NHS England

Please note:

If you choose to make a complaint directly to the organisation (first option above) and you are not satisfied with their response, you CANNOT then raise the issue with NHS England. In such cases you must go straight to the Parliamentary and Health Service Ombudsman

If you are unsure where to send your complaint you can ask for advice from PALS or the complaints department in larger organisations, such as hospitals. You should be able to find the contact details on the organisation's website.

If you need support with any of these processes, an advocate can help you.

What happens after the investigation?

Once any meetings have been held and the investigation has been completed, the complaints manager should send you a letter containing the following:

- A summary of your complaint/concern
- What the investigation found and any actions that are going to be taken as a result
- What to do if you are still unhappy with the answers provided

Depending upon the results of the investigation, the letter may contain:

- An apology, where relevant
- What actions are to be taken and when
- Details of who has responsibility for taking the actions
- What steps have been taken to prevent a similar situation happening to someone else

What if I am not happy with the results of the Local Resolution process?

If you are not satisfied with the reply, be very clear about exactly what it is you are still unhappy about, so that you can decide what you need to do next. You might find it helpful to reassess the following:

- The letters you sent and received
- Notes of any meetings
- The conciliation or mediation process, if applicable
- Whether the plan you agreed has been followed
- Whether there are still areas of your complaint that remain unanswered
- Whether you felt that the evidence you presented was not properly considered
- What more could have been done to achieve the outcome you wished for
- Whether the complaints manager has followed the ombudsman's good complaints handling principles

If, after considering the above points you still feel there are unanswered questions or areas that are of concern, you could:

- Write another letter explaining what you think has not been covered
- Call the person dealing with your complaint and explain why you are still dissatisfied
- Request a meeting to discuss your outstanding concerns
- Proceed to Stage 2 of the NHS complaints procedure

Stage 2 - The Parliamentary and Health Service Ombudsman (PHSO)

If you are not satisfied with the way your complaint has been dealt with by the NHS, you have the right to take your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman is independent of the NHS and of the government. The Ombudsman's services are confidential and free.

You should submit a complaint letter no later than one year from the date of the events you are complaining about (or from when you first became aware of this matter), although the Ombudsman can extend this time limit if, for example, the Local Resolution process took longer than a year to complete.

The Ombudsman will look at every complaint that they receive. They do not (and are not required to) investigate all the complaints that are sent/referred to them; it is at their discretion. They will not normally investigate a case unless the Local Resolution process has been undertaken to try and resolve the issue in the first instance.

The Ombudsman can refer you back to the Local Resolution stage of the NHS complaints procedure if they feel that the NHS organisation has not done everything possible to resolve your complaint/issues locally.

The Ombudsman will not usually investigate a complaint where:

- You do not agree with a decision made by your NHS provider but cannot offer any evidence as to why their decision is wrong or unsatisfactory
- They decide that there is no evidence to suggest the NHS provider has acted incorrectly
- They decide that the NHS provider has done all they can to put things right
- They decide that there would not be a worthwhile outcome from an investigation; for example, if the required remedy sought would not be actually obtainable

Initially, a member of the Ombudsman's staff will consider whether your case meets the Ombudsman's criteria for investigation. To carry out this assessment they may need to see clinical records and other papers involved with your complaint. A member of the Ombudsman's staff will contact you to let you know the outcome of the assessment.

If you take your complaint to the Ombudsman, there are 3 main outcomes:

1. The Ombudsman may decide not to investigate the case and take no further action; for example, if they think that the NHS has done everything possible to resolve your complaint locally.
2. The Ombudsman may decide not to investigate the case but may ask the NHS provider or practitioner to take action that they think may resolve your complaint more quickly without the need for an Ombudsman investigation. This is called "intervention".
3. The Ombudsman may decide to carry out an in-depth investigation resulting in a detailed report about the case. The investigation will be very thorough and can therefore, take some time to complete. The Ombudsman aims to complete 90% within 12 months of accepting the case.

If your complaint is investigated by the Ombudsman

If the Ombudsman carries out an investigation of your complaint, they will write a detailed report about the case. If the Ombudsman upholds your complaint, they can make recommendations to the NHS provider or practitioner, to put things right.

The Ombudsman's decision

The Ombudsman's decision about your complaint is final. This includes their decision whether or not to investigate your complaint, as well as their decision whether or not to uphold your complaint, following an investigation.

Questions and answers

My father is elderly and I don't feel he could manage a complaints process. Can I complain on his behalf?

You may complain on behalf of a friend or relative providing they have agreed to let you do so. You should get their permission in writing.

My mother has Alzheimer's disease. Do I still need her permission to make a complaint about her treatment?

If your friend or family member is very ill or does not have the capacity to give permission because of an impairment or disability, you may complain on their behalf without their consent. The Trust must confirm the patient's lack of capacity before accepting the complaint. If they do not accept the complaint, they must inform you in writing and tell you why they have reached that decision.

My mother has died and I did not have her consent to act for her. Can I make a complaint about her treatment?

Yes. You may raise a complaint or take over a complaint on behalf of a friend or relative who has died, even if you do not have their written consent. In some cases, the NHS may decide not to accept you as a suitable representative, but will discuss the issue with you.

My niece is 15 and has Down's Syndrome. Can I complain on her behalf without her written permission?

A complaint can be made on behalf of a child (under 18) if the child is unable to make the complaint themselves. However, NHS organisations must not consider a complaint made by a representative of a child unless they are sure the child does not have the capacity to do it themselves. They must inform you in writing if they make this decision and tell you why.

Can I complain about something that happened in the past?

It depends on how long ago it happened. You should make your complaint:

- Within 12 months of the incident happening; or
- Within 12 months of you realising there was an issue

NHS organisations are allowed to waive this time if there are good reasons why you could not complain at an earlier point in time. One example may be that you were simply not well enough to do so.

Questions and answers continued...

I had an operation in a private hospital – can I complain to the NHS?

It depends. If the NHS paid for your operation in a private hospital, you are able to complain to the NHS. However, if you paid for your treatment or used private medical insurance, you are not able to complain to the NHS. In the latter instances, the private hospital will have its own complaints procedure that you should request and follow.

I want to sue a surgeon who operated on me - how do I do this?

You will need to take legal action if you want to make a claim for medical negligence. The NHS complaints procedure does not deal with these cases. You can find details of local specialist solicitors by contacting Community Legal Services Direct or The Law Society.

2. Guide to accessing your medical records

A patient's records include the following information:

- GP and hospital records
- Nursing records and those made by other NHS staff
- Records of your visits to the practice, clinic or hospital
- Records of visits to you
- Details of treatment, medication, tests and their results, diagnosis, referrals, etc.

Your rights:

Under the Data Protection Act (DPA) 1998, you have a right to see your records, unless:

- Your doctor thinks that to do so would seriously harm you or another person

Note: this refusal can apply to part of your records and there is no obligation to inform you of such a partial refusal. It is worth asking about this, if any part of your records had not been made available.

- Providing you with them would involve “disproportionate effort” on the part of a Trust or GP practice.

Note: disproportionate effort is not defined, but the data protection information commissioner has warned against abusing this clause to block access to records.

Applying to see your records

You have to apply to see your records and some GP practices and Trusts have a form specially designed for this, that you must complete. Most Trusts also have a specially appointed person responsible for dealing with such requests.

Records should be made available within 40 days of applying to see them, or 21 days if they have been added to within the last 40 days.

Trusts and GP practices are allowed to charge you for seeing your records if they have not been added to within the last 40 days. This charge should not be more than £10.

Trusts and GP practices also have to explain to you anything in the records that is not easy to read or which uses technical language that you do not understand.

If you want copies of the records, Trusts or GP practices can charge you for the actual cost of postage and photocopying, up to a maximum of £50, including the £10 charge, if that is made. It is a good idea to get these copies if you need to use something in your records as evidence in your complaint.

If you are applying to obtain someone else's records, the person must give you authority to do so, in writing. This includes parents applying to see a child's records if the child is able to understand matters. Where a patient is unable to provide consent because of incapacity or illness, you may need to seek legal advice and a court authorisation.

In the case of a deceased patient, records can only be obtained by a personal representative. A representative is usually an executor or someone making a claim arising from death, unless the deceased specifically requested in the records that they did not want the person to have access to their records.

Other information

If you think your records are inaccurate you can ask for them to be corrected. If the Trust or doctor disagrees with the changes you want to make, ask for a note recording your disagreement to be attached to the records.

Any complaints about this can be made to: The Data Protection Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 01625 545745 or 08456 306060 www.dataprotection.gov.uk

3. Guide to writing a complaints letter

Writing your complaints letter

Clearly outline your complaint.

Ask for it to be investigated under the NHS Complaints Procedure.

If you are writing on behalf of the patient, you must show that you have their consent to do so.

Helpful Tips:

- Be brief – try and keep your complaint to no more than two A4-sized pages
- Be clear and straightforward – use short sentences; don't repeat yourself; don't be afraid to say what has upset/concerned you; avoid aggressive or accusatory language
- Be constructive – explain what you would like to achieve as a result of your complaint. For example, an apology or a service improvement
- Keep copies of all letters and emails (sent and received) and keep a log of any telephone calls that are made/taken
- Always send photocopies of documents – keep your originals

What happens next?

You should receive a letter of acknowledgement within three working days.

The NHS will contact you to discuss your complaint and arrange a plan to resolve your concerns.

The plan should include an agreed timescale for resolving issues and keeping you informed of progress. If there is a problem with keeping to the timescale agreed, then you should be contacted and advised as such, prior to its expiration, so you can agree an extension.

If you make a complaint about a service that is provided in partnership with the NHS, the organisation that received your complaint will approach the other organisations. Between them, they will agree: who will take the lead in handling your complaint, co-ordinate the handling of it and any investigations. You should receive a single response, addressing all of the issues you have raised, which were agreed at the outset.

4. Template for complaint letter

Complaints Manager or Chief Executive

Insert name of organisation

Insert address of organisation

Insert date

Private and Confidential

Insert your address

Dear *insert name if known, or: To whom it may concern*

I am writing to formally complain via the NHS Complaints Procedure regarding the treatment I received from *insert name(s) of staff* at *insert place where incident happened* on *insert date of incident or period of treatment*.

Insert description of what happened, when and where.

Insert explanation of what, if anything, you have already done to try and resolve matters.

I would like the following points addressed in response to this complaint:

- *Put the most important matter first*
- *Explain why you are not satisfied*
- *Ask the questions you would like answers to and list them in order of importance*

As a result of my complaint, I would like: *insert what you want to achieve. For example: an apology, an explanation or action to remedy the problem you experienced.*

I look forward to receiving your acknowledgement of this letter. I would like you to undertake a full investigation into my concerns and provide a response in accordance with the NHS Complaints Procedure.

Please do not hesitate to contact me if you require any further information and I thank you for your attention to this matter.

Yours sincerely *(If you do not know the person's name, use: Yours faithfully)*

Put your signature here

Put your name, clearly, here

If you are sending copies of your letter to other people, put their names here

5. Template for making a complaint on behalf of another person letter

Complaints Manager or Chief Executive

Insert name of organisation

Insert address of organisation

Insert date

Private and Confidential

Insert your address

Dear *insert name if known, or: To whom it may concern*

I am writing on behalf of *insert name of patient* and I enclose their written consent to act on their behalf. *(If the patient is unable to provide their consent you must explain why)*

They wish to formally complain via the NHS Complaints Procedure regarding the treatment they received from *insert name(s) of staff* at *insert place where incident happened* on *insert date of incident or period of treatment*.

Insert description of what happened, when and where.

Insert explanation of what, if anything, you have already done to try and resolve matters.

I would like the following points addressed in response to this complaint:

- *Put the most important matter first*
- *Explain why the patient is not satisfied*
- *Ask the questions the patient would like answers to and list them in order of importance*

As a result of this complaint, I would like: *insert what you want to achieve. For example: an apology, an explanation or action to remedy the problem you experienced.*

I look forward to receiving your acknowledgement of this letter. I would like you to undertake a full investigation into the above concerns and provide a response in accordance with the NHS Complaints Procedure.

Please do not hesitate to contact me if you require any further information and I thank you for your attention to this matter.

Yours sincerely *(If you do not know the person's name, use: Yours faithfully)*

Put your signature here

Put your name, clearly, here

If you are sending copies of your letter to other people, put their names here

6. What is a Patient Advice and Liaison Service (PALS)?

PALS was set up by the NHS for patients to have a voice in their local health services.

PALS can:

- Provide you with information about the NHS and help you with any other health-related enquiries
- Help resolve concerns or problems when you are using the NHS
- Provide information about the NHS Complaints Procedure and how to obtain independent help if you decide you might wish to make a complaint
- Provide you with information and help introduce you to agencies and support groups outside of the NHS
- Inform you on how you can get more involved with your own health care and the NHS locally
- Improve the NHS services, by listening to your concerns, suggestions and experiences, ensuring that people who design and manage services are aware of the issues that you raise.

What is the difference between PALS and South Essex Advocacy Services (SEAS)?

PALS:

- Staff are employed by the NHS
- Staff work in every hospital trust
- Will support you to achieve a local resolution to your concerns

SEAS:

- Is an independent advocacy service
- Has one office, based in Westcliff-on-Sea, Essex
- Will support you to voice your concerns and complaints throughout the whole complaints process.

PALS and SEAS will work closely together to try and resolve a complaint quickly and to your satisfaction. It is always your choice which service you prefer to use. PALS and SEAS will refer you to each other if it is more appropriate that you use the other service, and/or if the patient consents to the referral.

7. Where to raise your formal complaint

NHS Service	Option 1	Option 2
<p>Southend Hospital Lighthouse Centre Paediatric Services</p>	<p>Complaints Department Southend University Hospital Prittlewell Chase Westcliff-on-Sea Essex SS0 0RY</p> <p>Email: complaints@southend.nhs.uk Phone: 01702 435555 ext: 5144</p>	<p>Angela Paradise Head of Corporate Services NHS Southend CCG FREEPOST RTBZ-GAK-AECG Harcourt House 5-15 Harcourt Avenue Southend-on-Sea Essex SS2 6HE</p> <p>Email: southend@ccg@nhs.net Phone 01702 314282 or 313619</p>
<p>Basildon Hospital</p>	<p>Patients Experience Team Basildon Hospital Nethermayne Basildon Essex SS16 5NL</p> <p>Email: pet@btuh.nhs.uk Phone: 01268 524900 ext: 3222</p>	<p>Essex Commissioning Support Unit Complaints Department Phoenix Court Christopher Martin Road Basildon Essex SS14 3HG</p> <p>Email: bbcg.complaints@nhs.net</p>

NHS Service	Option 1	Option 2
<p>EPUT Services (Essex Partnership University NHS Foundation Trust)</p>	<p>Complaints Department The Lodge Wickford Essex SS11 7XX</p> <p>Email: epunfit.complaints@nhs.net Phone: 01268 407817</p>	<p>NHS Castle Point & Rochford CCG Performance and Corporate Services Team 1st Floor Phoenix Place Christopher Martin Road Basildon Essex SS14 3HG</p> <p>Phone: 0800 9174694</p>
<p>Primary Care Services:</p> <ul style="list-style-type: none"> ➤ GP Surgery ➤ Pharmacy ➤ Optometrist ➤ Dentist ➤ Military Health ➤ Specialised Services ➤ Health and Justice 	<p>Practice Manager at each surgery/branch – access via google or call us at SEAS.</p>	<p>NHS England Customer Contact Team PO Box 16738 Redditch B97 9PT</p> <p>Email: England.contact@nhs.net Please state: “For the Attention of The Complaints Manager” in the subject line Phone: 0300 3112233 (Monday to Friday 8am to 6pm, excluding English Bank Holidays)</p>

NHS Service	Option 1	Option 2
East of England Ambulance Service	Patient Services Department EEAST Hammond Road Bedford MK41 0RG Email: eoeasnt.feedback@nhs.net Phone: 01234 243320 Freephone: 0800 0283382	Wendy Tankard Chief Contracts Officer Rushbrooke House Paper Mill Lane Bromford Ipswich IP8 4DE Email: wendy.tankard@suffolk.nhs.uk Phone: 01473 770000
Out of Hours Clinic at Southend University Hospital	Clinical Governance Team Integrated Care 24 Ltd The Long Barrow Orbital Park Ashford Kent TN24 0GP Email: cg@IC24.nhs.uk Phone: 01233 505450	NHS Castle Point & Rochford CCG Performance and Corporate Services Team 1 st Floor Phoenix Place Christopher Martin Road Basildon Essex SS14 3HG Phone: 0800 9174694

8. Useful contacts

NHS Southend CCG

Harcourt House
5-15 Harcourt Road
Southend-on-Sea
Essex SS2 6HE

Phone: 01702 314299

A clinical commissioning group in South Essex. The CCG is a group of GPs and clinicians who, from April 2013, commission (buy) health services for their local community.

NHS England

PO Box 16738
Redditch B97 9PT

Phone: 0300 3112233

Email: England.contactus@nhs.net

NHS England customer contact centre handles general enquiries, freedom of information requests and complaints.

General Medical Council

Regent's Place
350 Euston Road
London NW1 3JN

Helpline: 0845 3570022

The General Medical Council is responsible for ensuring that doctors in the UK meet the standards of good medical practice.

The Parliamentary and Health Service Ombudsman (PHSO)

Millbank Tower

Millbank

London SW19 4QP

Phone: 0345 0154033

www.ombudsman.org.uk

The Ombudsman's role is to investigate complaints that individuals have been treated unfairly or have received poor service from government departments and other public organisations and the NHS in England. PHSO make final decisions about complaints.

General Dental Council (GDC)

37 Wimpole Street

London W1G 8DQ

Phone: 0207 0092701

Email: complaints@gdc.uk.org

The General Dental Council set and maintain the standards in the UK. Your dental professional must be regulated and continue to meet expectations throughout their careers.

General Optical Council (GOC)

41 Harley Street

London W1G 8DJ

Phone: 0207 5803898

Email: goc@optical.org

The General Optical Council are the regulator for optical professionals in the UK. Their role is to ensure that optical professionals meet the required expectations.

Action Against Medical Accidents (AVMA)

Medical helpline: 0845 1232352

AVMA has a team of medically and legally trained caseworkers who provide free and confidential advice following a medical accident. This includes advice on your rights, medical information or explanations, help in getting the issues investigated, assessment for obtaining compensation, referral to an appropriate solicitor for your individual case and other sources of practical and emotional support.

Healthwatch England

Citygate
Gallowgate
Newcastle-upon-Tyne NE1 4PA

Phone: 03000 683000

www.healthwatchengland.co.uk

email: enquiries@healthwatch.co.uk

Healthwatch England is the national consumer champion in health and care. They have significant powers to ensure the voice of the consumer is strengthened and heard by those who commission, deliver and regulate health and care services.